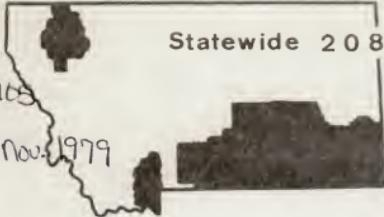


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Statewide 208 Planning**NEWSLETTER****TO ACHIEVE AND PRESERVE
CLEAN WATERS**

October-November 1979

Issue #19

**WATER QUALITY BUREAU TO BEGIN
IMPLEMENTING 208 RECOMMENDATIONS**

The 208 Report (the Statewide Water Quality Management Plan) is now into its second rewrite. The plan was mailed to 70 members of the advisory system. Comments have been received and are being considered. A final draft will be submitted around the 1st of October to the governor for certification.

In the next year, the Water Quality Bureau will make a concerted effort to implement the recommendations in the 208 Report. Agricultural problems have been identified as a priority management area. The bureau is planning to assist conservation districts in the areas in which the bureau has expertise and available resources. An agriculture specialist has been hired to work directly with the districts. We hope to use our field staff, within our limits, to help districts assess their most severe water-quality problems.

The Conservation Districts Division of the Department of Natural Resources and Conservation will begin a series of meetings with districts this fall, accompanied by a Montana Association of Conservation Districts official and a Water Quality Bureau official, to discuss 208 activities.

In the areas of mining and forestry, the Water Quality Bureau will discuss, with the agencies identified in the 208 Plan, the measures that can be taken to put the recommendations into action.

THE 208 RECOMMENDATIONS

The recommendations of the Statewide 208 Water Quality Management Planning Project cover the two broad categories of point-source and nonpoint-source pollution. But since existing laws and programs are handling the point-source pollution problems in Montana, only one recommendation is being made in that category: the next Department of Health and Environmental Sciences budget request should ask the legislature for one more full-time attorney to assist the Water Quality Bureau in legal matters, most of which are point-source related. The Water Quality Bureau now has only one half-time attorney.

The Statewide 208 Project is funded by the U.S. Environmental Protection Agency under provision of Section 208, PL 92-500 for the purposes of water quality management planning in that portion of Montana exclusive of the four designated planning districts. Project Coordinator is Kit Walther; Public Participation Coordinator is Charles Wood; Montana Water Quality Bureau; telephone (406) 449-2406.

The following recommendations, however, are aimed at Montana's nonpoint-source pollution problems in agriculture, forestry and mining -- both on federal and non-federal lands -- and at stormwater runoff:

Agriculture -- non-federal lands

Recommendation #1

- Following the recommendations made by the Montana Association of Conservation Districts, the Water Quality Bureau (WQB) recommends that conservation districts (CDs) be the lead management agencies in a non-regulatory program that stresses Best Management Practices (BMPs).
- In agreements with the state Department of Natural Resources and Conservation (DNRC) and the WQB, the conservation districts have agreed to:
 1. Identify and prioritize nonpoint source problems;
 2. Select and adopt BMPs to solve those problems;
 3. Establish schedules for abatement of the problems;
 4. Work with landowners in solving the problems; and
 5. Assist landowners in obtaining financial and technical help.
- Problems that cannot be solved by cooperation will be referred back to the WQB for further investigation and action.
- CDs should adopt certain Soil Conservation Service (SCS) engineering standards and specifications as minimum BMPs.

Recommendation #2 -- WQB Support

- WQB should designate an environmental specialist to work with CDs.
- WQB should support local CD education and problem identification. Section 208 funds should be "passed through" to those programs.

Recommendation #3 -- Stream-Reach Inventories

- SCS stream-reach inventories should be accelerated to assist CDs in identifying water-quality problems.
- Districts should develop lists of streams that require such inventories.
- Fisheries information from the state Department of Fish, Wildlife and Parks should be correlated with the inventories.

Recommendation #4 -- SCS Assistance

- SCS should incorporate water-quality protection into all watershed projects and design decisions.

Recommendation #5 -- Financial Assistance

There are three financial-aid programs that promote conservation practices: ASCS cost-share program, SCS Great Plains Program, and the Rural Clean Water Program.

- The governor, legislature and Montana Congressmen should appeal to Congress to provide adequate funds (at least the original authorization levels) for the Rural Clean Water Program and to modify eligibility requirements so more landowners can participate.
- County development committees, which implement the ASCS program, should invite WQB officials to state and county development meetings and should consider conservation-district plans, stream-reach inventories, etc. in their annual program decisions.

Recommendation #6 -- Studies and Education

- The legislature should direct the Agriculture Experiment Station to conduct long-term field studies to evaluate the effectiveness and economic benefits of various BMPs and management systems used to control nonpoint-source pollution.
- The Cooperative Extension Service, the educational arm of the Agriculture Experiment Station, should develop a complementary educational program to assist conservation districts.

Recommendation #7 -- Saline Seep

- A more intensive saline seep education program is essential, possibly as part of an overall nonpoint-source pollution control education program in the Extension Service.
- The USDA farm program should encourage the haying of alfalfa on set-aside acreages that are also seep recharge areas. ASCS should consider a reduction in farm-program payments about equal to the net value of hay set-aside harvested in seep designated areas.
- Conservation and alkali districts could purchase swathers and bailers for district cooperators to use.

Recommendation #8 -- Conservation District Ordinances

- Conservation districts should strive for public support for use of their authority to adopt land-use ordinances where BMPs are not accepted voluntarily (where profit motives, for example, may preclude water-quality management).

Recommendation #9 -- Stream Corridors

- The Governor's Ad Hoc Committee on Agriculture or the State Rural Development Committee should consider compensating land occupiers for not producing crops or grazing cattle in riparian habitats.

Forestry -- non-federal lands

A non-regulatory program is suggested under this plan for pollution control in forestry on non-federal lands. But if that voluntary program were to show no progress by the time the 1982 Legislature convenes, a regulatory State Forest Practices Act should be adopted by the legislature and more money should be appropriated to the state Department of Natural Resources for enforcement of the act.

The recommendations for the non-regulatory program are:

Recommendation #1

- Conservation districts (CDs) should be the lead management agencies for private forest lands.
- #2 -- CDs should adopt certain minimum BMPs (listed in 208 Plan).
- #3 -- The Forestry Division of DNRC should include the CDs' management guidelines in their slash agreements.
- #4 -- Foresters, while making hazard-reduction inspections, should record projects that do not conform to BMP guidelines. They should notify the CD which will notify the WQB.
- #5 -- Resource inventories should be initiated on private forest lands to assist agencies in identifying potential problems. Federal and state funds should be allocated to DNRC for this study.
- #6 -- The legislature should appropriate more money to expand the Cooperative Forest Management Program of DNRC's Division of Forestry to provide more assistance to forest owners.
- #7 -- The WQB and the State Forester's Office should prioritize problem streams and prepare recommendations for their rehabilitation.
- #8 -- The WQB should designate a water quality specialist to be a "contact" with the State Forester's Office, U.S. Forest Service and private industry and to conduct investigations and review proposed projects.

Forestry -- USFS lands

Recommendation #1

- A proposed cooperative agreement between the U.S. Forest Service (USFS) and the WQB should be signed. It's a non-regulatory program giving WQB oversight responsibilities and designating the USFS as the management agency on USFS land. WQB would have the opportunity to review projects, identified by the USFS, that may affect water quality.
- #2 -- The USFS should increase its water-quality education efforts.

Mining

Deficiencies in state programs and laws are more likely to be remedied than those at the federal level. State mining laws also apply to federal lands in Montana. Therefore, the state mining laws and the recommendations affecting them are:

Hard Rock Mining Law

- #1 -- The legislature should change the confidentiality provision to enable the WQB to locate activities of small miners.
- #2 -- The Department of State Lands (DSL) should routinely monitor small miners and actively seek penalties and corrective actions under the Hard Rock Mining Law when water-quality violations are found. Not enforcing the law's water-pollution provision is contrary to the intent of the act.
- #3 -- The WQB should provide laboratory services (at cost) to analyze water samples collected by the DSL staff. Samples should be coded to maintain confidentiality. WQB should also provide routine technical assistance to DSL.
- #4 -- The WQB should establish two training courses each year for DSL mining staff to acquaint them with sampling procedures, water-quality standards, etc. The DSL staff should attend EPA water-monitoring courses.
- #5 -- DSL and WQB should develop a small miner's education program to teach potential water impacts and preventions.
- #6 -- The Hard Rock Mining Act should be amended to require minimum reclamation standards for small miners. The act should require settling ponds on reclaimed and disturbed areas to control sediment loads in adjacent streams.

Open Cut Mining Act

- #1 -- The act should be amended to replace criminal penalties with civil penalties -- thus allowing enforcement by the state Attorney General, rather than county attorneys. Administration and enforcement would then become more consistent.

Oil and Gas Regulations

- #1 -- The Oil and Gas Commission should exert a more active role in inspecting disposal practices and correcting problems.
- #2 -- The Oil and Gas Conservation Division of DNRC should hire a staff member to evaluate disposal activities and coordinate in that area with the Department of Fish, Wildlife and Parks.

Stormwater Runoff

Recommendation #1

- The WQB needs to develop regulations that establish BMPs for stormwater treatment and for plan review by the Department of Health and Environmental Sciences.
- These regulations should be developed after a current study quantifies stormwater effects and develops guidelines for stormwater control.

Recommendation #2

- More coordination is needed between government agencies and private contractors and developers.
- City-county planning boards and conservation districts should work together and staffs should make periodic visits to construction sites to ensure construction is proceeding properly.

Recommendation #3

- Approved plans and operating permits should be more specific in terms of best construction practices that protect water quality from stormwater runoff.

TWO NEW 208 SPECIALISTS

Two full-time specialists have joined the Water Quality Bureau to help with the 208 planning process and to work with the local conservation districts that are implementing the plans.

Charles Wood, the bureau's new information officer, will concentrate on building public interest and participation in the statewide clean-water program. Ken Chrest, an experienced soil scientist, is the bureau's new agriculture specialist. Besides working with districts to identify water-quality problems, he will process permits for saline-seep drains and livestock-holding facilities.

Chrest, a native of Glendive, has been a soil scientist for the state for a dozen years. He holds a BS in agricultural production from MSU, with a major in soils. After spending two years as a landscape designer for the Highway Department, he moved to the Department of Natural Resources and Conservation. For the past six years, Chrest has concentrated on soil problems and data affecting water rights applications.

Wood, a newsman for the past 12 years, holds a bachelor of journalism degree from the University of Missouri. A native of the Missouri Ozarks, he is experienced in both newspaper and broadcast reporting and production. He was news editor for Helena's daily newspaper for six years before joining the Water Quality Bureau this summer.

THE MUSSELSHELL RIVER STUDY

The waters from the two forks are clean when they mingle to form the Musselshell River near Martinsdale in Central Montana. But 364 miles later, when the waters flow into the Missouri River just above Fort Peck Reservoir, they have become heavily soiled and salted.

It's a unique river, but it shares the problems of many eastern Montana streams -- eroding banks, sediment loads and increasing salinity present real problems for farmers, ranchers and other water users in the Musselshell Basin. In order to pinpoint the exact causes of the Musselshell's problems, the Water Quality Bureau has undertaken a two-part study.

First, a four-day inventory was made in June of channel conditions on the Musselshell from Shawmut to Melstone, about a 200-mile stretch. With the help of aerial photographs from the Soil Conservation Service, the Bureau's team identified channel alterations, streambank erosion sites, diversions, rip-rap and obstructions.

In the second part of the study, ten stations on the Musselshell and one on Careless Creek at its mouth just below Shawmut have been sampled monthly for two years to determine water-quality conditions. Late this August, a team performed a more intense survey of 37 mainstem sites and 14 tributaries to determine where the jumps in sediment and salinity occur.

Along with a land-use inventory, this study should provide enough information to allow resource management and planning agencies to put together some strategies for streambank stabilization and water-quality improvements in the Musselshell Basin.

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TO:

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